

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARIA D. CONTRERAS, as	§	
<i>Representative of the ESTATE OF</i>	§	
GERARDO CONTRERAS; and	§	
JOSE A. CONTRERAS	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	CIVIL ACTION NO: 2:19-cv-00133
	§	JURY TRIAL
CITY OF CORPUS CHRISTI, TEXAS	§	
PEDRO YBARRA, <i>Individually</i>;	§	
LONNIE JACKSON, <i>Individually</i>;	§	
PHILIP MARTINEZ, <i>Individually</i>;	§	
JERRY LOCKHART, <i>Individually</i>;	§	
DANA ROBBINS, <i>Individually</i>;	§	
JOHN/JANE DOE #6, <i>Individually</i>;	§	
JOHN/JANE DOE #7, <i>Individually</i>; AND	§	
JOHN/JANE DOE #8, <i>Individually</i>	§	
<i>Defendants</i>	§	

AFFIDAVIT OF OFFICER PHILLIP MARTINEZ

I, Phillip Martinez, an Officer for the City of Corpus Christi Police Department, being duly sworn on oath, state as follows:

1. "I am currently a Senior Police Officer with the City of Corpus Christi Police Department. I have been a police officer with CCPD for approximately eight (8) years, with a hire date on October 21, 2011."
2. "I have had training through the Del Mar Regional Police Academy and The Corpus Christi Police Academy and through the Field Training Officer (FTO) program. I have also had training throughout the years by working with other officers and approximately three years prior experience with the Aransas County Sheriff's Office from 2008 to 2011."

3. "On March 22, 2018, at approximately 3:27am I was dispatched to 2917 Masterson Drive in reference to a male suspect, who I later learned was Gerardo Contreras, banging at the front door."
4. "While en route to the scene, I heard dispatch mention Officer Robbins and Senior Officer Ybarra advise they had a subject at gunpoint."
5. "Shortly after, I heard a struggle on the radio I recognized as Officers actively fighting with a suspect."
6. "Upon arrival I ran to the scene with my patrol rifle and using my rifle light, I was able to observe Senior Officer Ybarra and Officer Robbins actively struggling on the ground to get Mr. Contreras in custody."
7. "Mr. Contreras was on his stomach, but actively resisting while the Officers attempted to put his arms behind his back. His hands were under his body in a manner in which he could have actively been attempting to reach for a weapon."
8. "I was providing cover for the officers, as I prevented Mr. Contreras from attempting to turn his body towards officers should his hands, which were still out of view, contain a weapon as reported on the call. I did this by using my foot to press down on his buttocks, and lower back area."
9. "During the struggle Senior Officer Ybarra's rifle disconnected from his sling and I passed his rifle to Senior Officer Jerry Lockhart."
10. "I observed Officer Dana Robbins tase Mr. Contreras to gain compliance."
11. "I attempted to get Mr. Contreras' left hand behind his back while he used physical strength to resist the attempt. I then delivered approximately two to three compliance knee strikes to gain compliance on Mr. Contreras' left side."

12. "I was then able to lift Mr. Contreras' shoulder enough for Officer Robbins to take control of the now visible arm and place him in custody."
13. "Ultimately, Officer Robbins was able to get Mr. Contreras' arm behind his back and Senior Officer Ybarra handcuffed him."
14. "I remember Senior Officer Ybarra requesting assistance from a medic. The medics were on scene, and immediately approached and dragged the suspect away from the door and started to initiate care."
15. "I then went to secure my rifle in my unit."
16. "I did not personally, nor did I hear another Officer, make any statement like "got him good."
17. "I was placed on administrative leave as a result of the incident, and complied with all requirements and requests pursuant to the CCPD internal affairs investigation."
18. "I believe the force utilized to attempt to detain Mr. Contreras on March 22, 2018 was reasonable, necessary and in compliance with Corpus Christi Police Department policies."
19. "I, Officer Phillip Martinez, hereby swear under oath that the information set forth in this affidavit is true and correct to the best of my knowledge, information and belief, and that I make this oath under the penalty of perjury."



Affiant

Personally, appeared before me the above-named Phillip Martinez and made oath as to the truth of the foregoing affidavit signed by Phillip Martinez.

Signed and sworn before me this 15th day of January, 2020.

Laura Garcia
Notary Public, State of Texas

